



## **New Jersey Department of Children and Families Policy Manual**

Manual:	CP&P	Child Protection and Permanency	Effective Date:
Volume:	IV	Out of Home Placement	
Chapter:	A	General Placement Considerations	12-22-2008
Subchapter:	3	Review of Placements by Courts	
Issuance:	100	<b>Permanency Hearings</b>	

### **Permanency Hearing Requirements**

**12-22-2008**

As a result of the Adoption and Safe Families Act of 1997 (ASFA), the court must hold a first permanency hearing:

- Within 30 days after a judicial determination that reasonable efforts to reunify the child with the parent are not required in accordance with section 25 of P.L.1999, c.53, C.30:4C-11.3; or
- Within 12 months of the date the child is placed.

For children that remain in placement more than 12 months, the court holds a permanency hearing at least once every 12 months thereafter.

The purpose of the permanency hearing is to determine the child's permanency plan, including:

- Reunification, i.e., whether and when the child will be returned home;
- Termination of parental rights and adoptive placement;
- Permanent placement with a competent and willing relative or family friend such as:
  - Relative with custody; or
  - Referral for kinship legal guardianship, meaning a judicially created relationship between child and caregiver which is intended to be permanent and self-sustaining as evidenced by the transfer to the caregiver of the following parental rights: protection, education, care and control of the person, and general decision making for the child's upbringing.

See N.J.S.A. 30:4C-61.2c(5)(a) through (c).

If the court approves a permanency plan for the child, the court makes a specific finding of the reasonable efforts made to date by the Division and the appropriateness of the reasonable efforts to achieve the permanency plan. See N.J.S.A. 30:4C-61.2d.

The court must notify foster parents and other caregivers of their right to be heard at reviews or hearings regarding the child (including but not limited to permanency hearings), even if they are not a party to the review or hearing. See N.J.S.A. 30:4C-12.2 and 61.2b. The Division Worker keeps the court informed of any changes in the name and address of the child's caregiver(s) by completing CP&P Form [18-35](#), Child Placement Review Notice of Change and sending it to the court. See N.J.S.A. 30:4C-53.